

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BRIAN STATELY, SR.,	)	3:12-CV-0646-MMD (VPC)
	)	
Plaintiff,	)	<b><u>MINUTES OF THE COURT</u></b>
	)	
vs.	)	August 26, 2013
	)	
PRISON HEALTH SERVICES,	)	
et al.,	)	
	)	
Defendants.	)	
	)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

Plaintiff, who is a prisoner at the Northern Nevada Correctional center, submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 (#1-1) and an application to proceed *in forma pauperis* (#1). The court granted plaintiff's motion to proceed *in forma pauperis* and determined that plaintiff was unable to make an initial installment payment (#2). The court did advise plaintiff that, pursuant to 28 U.S.C. § 1915, he would be required to make monthly payments toward the full filing fee of three hundred fifty dollars (\$350) when he had funds available *even if this action was dismissed. Id.* The complaint was screened under the provisions of the Prisoner Litigation Reform Act pursuant to 28 U.S.C. § 1915A, and the court dismissed plaintiff's complaint *with* leave to amend (#2). Plaintiff submitted an amended complaint, which was dismissed with prejudice for failure to state a claim upon which relief could be granted (#9).

Plaintiff has now filed a motion requesting that the court waive the assessment of the filing fee in this case (#11). Pursuant to 28 U.S.C. § 1915(b)(1) . . . "if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Therefore, plaintiff's motion to waive the assessment of the filing fee in this case (#11) is **DENIED**.

**IT IS SO ORDERED.**

LANCE S. WILSON, CLERK

By:                     /s/                      
Deputy Clerk